

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALBERTO MUNOZ,
Petitioner,
v.
WARDEN,
Respondent.

No. 2:23-cv-00670-EFB (HC)

ORDER AND FINDINGS AND
RECOMMENDATIONS

Petitioner is a federal prisoner proceeding without counsel in this petition for writ of habeas corpus brought under 28 U.S.C. § 2241. On July 8, 2023, respondent filed a motion to dismiss the petition. ECF No. 8. On August 8, 2023, the court informed petitioner of the requirements for filing an opposition to a motion to dismiss. ECF No. 10. That order gave petitioner twenty-one (21) days to file an opposition or statement of non-opposition. *Id.* The order also warned petitioner that his failure to respond to the motion to dismiss would result in the dismissal of this action. *Id.*

The time for acting has passed and petitioner has not filed an opposition or a statement of non-opposition, nor has he otherwise responded to the court's order.

Accordingly, it is ORDERED that the Clerk of the Court randomly assign a United States District Judge to this action.

////

Further, it is RECOMMENDED that this action be dismissed without prejudice. *See* E.D. Cal. L.R. 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Failure to file objections within the specified time may waive the right to appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

Dated: September 13, 2023


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE